19: Kharuzin -- 37 E-4 (no date) 1898 Yakut
116

The Ethnographic Division of the Imperial Society of Students of Natural Science has been furnished with information concerning several juridical customs of the Yakuts of the Yakutsk region; this information was gathered by N. P. Pripuzov through personal inquiries. The material furnished consists of data predominantly concerned with the rules of familial and inheritance law and brief information about the laws of estate and obligation. The material tabulated by Mr. Pripuzov was in the form of brief answers to questions; it wasn't arranged in systematic order, and, unfortunately, though it represents in that form interesting source material, it is nonetheless fragmentary and crude, and requires adaptation for publication. The adaptation of the materials furnished by their collector was turned over to us by the Ethnographic Division, and we found it useful to note the meaning of several rules of Yakut customary law which seemed to us to deserve particular attention, and in several instances it was useful to augment Mr. Pripuzov's material by references to data noted by other investigators.

19: Kharuzin -- 37 [2] E-4 (no date) 1898 Yakut
116, 177, 671

N. P. Pripuzov gathered his material among the Yakuts living in the Yakutsk district, i. e., in the midst of that part of the Yakut tribe among whom we may rightly expect to encounter some traces of the action of Russian customary and legislative norms upon the customary law of the Yakuts. All the more interest attaches to the norms of the Yakut customary law noted by the compiler, which, despite the long association of the Yakuts with the Russians, have survived as a valuable vestige of the ancient familial-clan foundations. But no less interest attaches to certain juridical customs, communicated by the compiler, which have been worked out by the Yakuts under the obvious influence of the Russians; the structure of Yakut life is changing its aspect; the new conditions of life which are coming to birth demand new norms for their satisfaction. The latter are sometimes borrowed from Russian neighbors, come into contradiction with the bases of the ancient life and undergo certain changes under the influence of the archaic views on legal relations.

19: Kharuzin -- 38 E-4 (no date) 1898 Yakut
116, 594, 61

At the present time the so-called "great" families are but very rarely encountered among the Yakuts; sons usually separate (split off) after marriage and upon coming of age. Despite the fact that the type of the individual, i. e., "small" family, thus appears characteristic for the comtemporary familial-household structure of the Yakuts of the Yakutsk district, the clan structure must by no means be counted in the number of completely vanished phenomena. In addition to the known division of the Yakuts into ūlūsi and naslegi, a division which one of the best investigators of Yakut life, M. Sieroszewski, does not recognize as indigenous to the Yakuts, the native population of the Yakutsk district, as in other localities of the region, continues to retain the ancient division into clans--aga-usa (the paternal clan), resolving itself into 4-8 īya-ūsa. This latter term M. Pripuzov translates by the word "tribe"; M. Sieroszewski, who, as far as we know, was the first to turn his attention to the īya-ūsa, has observed that īya-ūsa (īye-ūsa) has the exact meaning of "maternal clan," has described the significance that the latter has in the contemporary clan division of the Yakuts, and has set forth a hypothesis concerning the origin of the "maternal clan" among the Yakuts. (1)

1. Sieroszewski, Jakuti [Yakuts] p. 506 ff.

19:Kharuzin --38-39 E-4 (no date) 1898 Yakut -1-2
116, 114, 595, 61

At the present time, relationship within the limits of the iye-usa is traced through the male line, and M. Sieroszewski makes the extremely likely guess that the division of the paternal clan into several maternal clans is a natural consequence of the polygamy that was once practiced among the Yakuts. Monogamous marriage took a firm hold among the Yakuts only at the beginning of the 19th century. (2) The aga-ūsa included all the

2. V. Jochelson, see Zhivaia Starina, 1895, II, 137.

descendants taking their descent from one father, while each īye-ūsa included only the issue of one of his wives. The supposition of M. Sieroszewski has a great deal of verisimilitude. [39] In reality, however, where polygamy leads to the above-mentioned division of the paternal clan into several maternal clans, it only plays the role of a factor supporting in life the reckoning of relationship through the female line, and not the reason which gave rise to it: only upon the basis of an already existing custom of reckoning relationship through the wife's line can the maternal clan arise, either as an independent organization, or as a sub-grouping of the paternal clan. Consequently, how ever the īye-ūsa may have arisen among the Yakuts, its existence must be in fact regarded as a proof that there once existed among the Yakuts the custom of determining relationship through the wife's line, the recollection of an epoch when the bonds uniting

child and father were not yet taken into account. The fact cited by M. Sieroszewski, that according to tradition many paternal clans (aga-ūsa) and even entire naslegi, took their designation from women, strengthens this supposition. The chief significance in the contemporary structure of the Yakuts, however, attaches to the aga-ūsa, the paternal clan.

19: Kharuzin -- 39-40 E-4 (no date) 1898 Yakut -1-2
116. 582, 614

The clan system of the Yakuts of the Yakutsk district finds its expression in the following principal features:

... Each clan, or subdivision of a clan, taking its descent from one progenitor, possesses a definite territory, the rights to which derive from occupation and remoteness. From generation to generation, the kinsmen use the same sections of land or fishing sites which they possessed in the olden time. In its agrarian aspect the clan thus represents an isolated group, although at present, in the majority of cases, the community of neighbors has taken the place of the clan.

... In general, kinship ties play a very important role among the Yakuts in the question of wedlock. Up to the present the clan constitutes an exogamic group. While paying little attention to relationship [RCH: i. e., geneological relationship] as an obstacle to marriage, the Yakuts [40], according to M. Pripuzov, not only consider kinship [RCH: i. e., patrilineal kinship] up to five removes an obstacle to marriage, but in general do not take wives from their own clan. Formerly, rich Yakuts even sought, insofar as possible, to secure wives for their sons from other naslegi. Inasmuch, on the other hand, as kinship through the female line is not taken into account in the making of marriages, data communicated by Prince Kostrov(1) demonstrate that not only father and

1. Ocherk iuridicheskoe by-ta Akutov p. 277

son or two brothers can marry their own sisters-german [RCH: presumably cousins who are not members of the patrilineal kin group] but an uncle can take to wife his own neice (the daughter of his sister). Inasmuch as such marriages are not permitted by the local priesthood, the Yakuts have resort to the following friction: the betrothed hires his fiancée, in the capacity of a servant, and lives with her sometimes throughout his whole life as if she were his wife. The recollection that all kinsfolk bear the same clan surname has led to the prohibition of marriages between individuals of the same name, if they live in the same locality.

19: Kharuzin --40-41 E-4 (no date) 1898 Yakut
116, 554, 585, 614, 627, 796

The oldest kinsman in the clan, or the īye-ūsa, is always heaped with honors, if he is both rich and has never been put on trial. To him pertains the jurisdiction in trifling quarrels between kinsfolk. The following ceremonies serve to recall the religious functions that he (Ysekh) formerly exercised a. At the time of the spring festival, which bears a strictly clan character, they bring to him, first of all, a large wooden vessel (Choron) containing kumiss; he pronounces a prayer of thanks to the gods and then pours the kumiss upon the fire. b. At the time of the arrival of the betrothed at the bridegroom's yurt, they take from the sleigh of the betrothed, and place upon a table in front of the fire place the boiled head of a horse, whose eyes are covered with butter, to whose ears are attached intestines filled with horse's blood, and a wooden cup filled with butter. After this the betrothed enters the yurt, and stands, having first untied her girdle, on the right side of the komelok [RCH: i. e., the fireplace] where she is met by the oldest kinsman, whose place is sometimes taken nowadays by the most honored guest, who, kneeling, throws into the fire [41] pieces of meat, blood and butter, and blesses the bride. For the completion of this ceremony, whose obvious object is to unite the bride with the bridegroom's home, the oldest kinsman secures for his use the head, blood and butter brought into the yurt, and in addition the sum of one ruble.

19: Kharuzin -- 41 E-4 (no date) 1898 Yakut
116, 614, 651, 732, 736

The solidarity of the kinsmen further expresses itself in extensive mutual aid. "When disaster strikes," writes M. Pripuzov, "each clan assists its indigent kinfolk, either through an assessment on the tax-paying individuals, or through the contributions of the separate families." The support of the kutalani, i. e., of the persons unable to provide a subsistence for themselves (aged cripples, orphans, having neither father nor mother, etc,) constitutes an obligation of the clan or the separate families which compose it. The closest kinsmen are the customary guardians of the incapacitated members of the tribe: the mentally diseased, deaf and dumb, blind, etc.

19: Kharuzin -- 41 [2] E-4 (no date) 1898 Yakut
116, 582, 597, 608, 614

The exclusiveness of the clan structure finds expression among the Yakuts of the Yakutsk district in the fact that entrance into the clan for an outsider is almost impossible. Cases of adoption of strangers into the family are in fact encountered among the Yakuts, but only girls are accepted from a strange clan. The adoption of children of the male sex is practiced between close relations or in the most extreme case within the confines of the clan. The adopted child takes the name of the adoptive father, is considered a close relation of the members of the family of the latter, in consequence of which marriage between them and the adopted child is forbidden.

Artificial kinship, in addition to cases of adoption, is also established through foster kinship [BK; in Russian, molochnim rodstvom, literally, "by milk kinship," presumably referring to cases in which adoption is based on suckling of child by woman of the adoptive family]; it is considered as significant as blood kinship. As concerns the swearing of brothership, the almost universal mode of establishing artifical kinship, M. Pripuzov confirms the conclusion, to which M. Sieroszewski apparently also arrives, that at the present time it has fallen into desuetude among the Yakuts. Its existence at a former time, however, is to a certain degree proved by the traditions of the Yakuts.

19: Kharuzin --42 E-4 (no date) 1898 Yakut-1-2
116, 178, 562, 586 594, 837

The absence of any rights on the part of woman, among the Yakuts of the district studied by M. Pripuzov, is most marked... in the field of property relations. Her personal position is at the present time considerably better protected than in earlier times. In this respect one notes in the life of the Yakuts a definite, although naturally a very relative progress. In effect, even at present, the husband considers himself within his rights to beat up his wife if she neglects her household duties, if she is a spendthrift, or if she is unfaithful to him. The Yakut further has the right to put his wife out to hire as a workwoman, and to use the money earned by her. But he does not have the right to kill her; he cannot sell her, or lend her to someone else.

Instances of the cession of wives to other men, as is known, were encountered among the Yakuts up to the end of the 18th century, while the existence of the custom of lending one's wife to a guest is substantiated by traditions (Vsesoiuzone Geograficheskoe obshchestvo, Vostochno-Sibirskii Otdel, Izviestiia, XXVI, No. 4-5, pp. 218-19). As concerns instances of putting our wives to work, Prince Kostrov (Ocherk iuridicheskoe byta IAkutov [Juridical Customs of the Yakut]. p. 283) communicates the rather interesting fact that this practice has as its object to effect a separation from the wife: after a church wedding the Yakut rarely leaves his wife, but since such marriages are often consummated against the will of the parties involved, the husband sometimes abandons his wife, who customarily finds herself a lover, to whom she goes to live. In order to avoid prosecution by the authorities, writes Prince Kostrov, the husband and the lover

make an oral and sometimes even written agreement to the effect that the former is hiring his wife out to the latter in the capacity of a servant with her consent and for the upkeep of the household.

19: Kharuzin -- 42-43 E-4 (no date) 1898 Yakut
116, 462, 562, 578, 614, 837

If the husband beat his wife without good reason, from the point of view of the Yakuts, she has the right to complain to the clan government or to apply for protection to the Natives'Court. The husband is not oblidged to maintain fidelity; he can abandon his wife, live in another place, cohabit with another woman. The wife, on the contrary; must preserve fidelity, although occasional relations with other men, if they take place with the consent of the husband, are regarded by the Yakuts with complete indifference. [43] Although at the present time the personal position of the wife in relation to her husband has changed for the better, in comparison with the past, to her lot, nevertheless, continues to fall the most arduous domestic labor. Except where the family is rich, or the wife is richer than the husband, the duties of the woman include more than the care of the household; the care of the cattle, the making of cheese and butter, the painting of the yurt, and often even the mowing of hay, cutting of wood, etc., if the husband cannot manage the other jobs by himself.

19: Kharuzin -- 43-44 E-4 (no date) 1898 Yakut-1 -2
116, 421, 562, 614

The property rights of women are extremely limited; however, even in this direction certain changes are taking place under the influence of the gradual recognition of woman's capacity. These innovations, however, are apparently only beginning to penetrate the consciousness of the Yakuts, and have not yet succeeded in conclusively changing the archaic views, denying property rights to women.

In relations to her own family group the woman is completely without rights: she must marry into a strange clan, and it is understandable that her kinsmen look upon her as a severed member.

Each clan or familial unit, under the influence of the impulse of self-preservation in the struggle for existence, strives insofar as possible to insure its economic existence through the accumulation of wealth. Naturally, it jealously guards its property against transfer into the hands of members of a strange clan; it is here that we must seek the reason for the fact that women have no rights in relation to the property belonging to their kin group. Among the Yakuts, the latter, as is the case everywhere with peoples on a low level of economic development, permits a girl to accumulate property by her personal labor: the product of her personal exertions, whether sewing or other handicraft, becomes part of her possessions, but among the Yakuts, as is the case everywhere, the girl secures the right of ownership of the products of her labor only in the degree that she performs this labor during her hours of leisure and rest, after having performed the household duties which fall to her share. The same rule,

it appears,applies [44] to married women. Woman, as a member of her kin group prior to marriage, and subsequently in the capacity of a worker for her husband and his group, has only a portion of the time for her own use, and the group concedes to her as personal property only what she can produce after satisfying the needs of her father's or her husband's family.

19: Kharuzin -- 44 E-4 (no date) 1898 Yakut- 1-2
116, 421, 428, 562, 614

The absence of property rights on the part of women in relation to their kin group in graphically expressed in the exclusion of women from inheritance. If the economic and administrative principle lying at the foundation of the family constructed on a blood basis makes quite natural the rule of Yakut customary law, that sisters cannot inherit from brothers, that upon the death of a brother his cultivated land passes to another brother, although the latter might already have a farmstead, then in the exclusion of women from inheritance from the parents, where only daughters survived, we must see a direct consequence of the clan structure, in which the kinsmen vigilantly watch to see that the clan property does not pass to a strange clan, which inevitably happens in the case of the marriage of a girl-legatee.

M. Pripuzov informs us that upon the death of a person survived only by daughters, the legatees are in the first place his brothers, i. e., the uncles on the paternal side. Further, if the father of the deceased is alive, then by the general rule of Yakut customary law in the district investigated, which makes the parents the legatees of their children deceased without issue, he secures a larger share of the inheritance than the other relations. Where death takes place without male issue, the situation is the same as if there were no issue at all. Finally, the remaining relations come in for their share of the inheritance. A part of the property is set aside for the support and subsistence of the daughters, the remainder is divided between the relations with the closer

relations securing a larger part (the father gets more than the rest), while the more distant relatives get a lesser share. A married daughter, like the unmarried daughters, is excluded form sharing in the paternal inheritance; in any case, she cannot inherit her father's cultivated land, and if there are no direct heirs, the farm passes to the closest relations.

19: Kharuzin --45 E-4 (no date) 1898 Yakut
116, 428, 562, 583, 614

The brothers, excluding their sisters from inheritance of the paternal property, are nevertheless obliged to support their unmarried sisters, to concern themselves with giving them in marriage, and to provide them with dowries from the general property. Mr. Priklonski, however, (Tri goda v ÎAkutskoi oblasti [three years in the Yakutsk territory]. Zhivaîa Starina , 1890, pt. 3, p. 80). notes that the share of the daughters in the division of property upon the death of the father is equal to that of the brothers; this share goes to the brothers, for the support of the sisters.

That in effect it is the economic principle, in union with the blood principle, and not the fact of the grant of a dowry to a girl entering into marriage, that lies at the basis of the exclusion of women from the paternal inheritance, is demonstrated by the fact that the dowry itself does not in any way correspond to the shares which fall to the lot of the sons upon the death of the father. Mr. Pripuzov unfortunately communicates only extremely fragmentary and incomplete information concerning the size of the dowry, concerning the objects which go to make it up, and concerning the relation of the personal property of the girl, accumulated by her own labor, to the dowry given by her parents at the time of marriage.

19: Kharuzin -- 45-46 E-4 (no date) 1898 Yakut -1-2
116, 178, 421, 431, 583, 614

In the Sbornik obychnago prava Sibirskikh inorodtser (Compilation of the Customary Law of the Siberian Natives), issued by Mr. Samokvasov (pp. 221-22), reference is made to the rule of the Yakut customary law, whereby "the dowry is paid as compensation to the bridegroom and his relatives for the payment of the kalym ; the dowry is given in cattle, clothes and sometimes in money, amounting to one half of the stipulated kalym; the bride may not have a dowry valued at less that half the kalym, while a larger dowry, sometimes exceeding the entire kalym (which very rarely happens), depends upon the will of her parents." Mr. Sieroszewski also remarks that the payment made to the parents of the bride as well as the gifts presented to the relatives and match-makers by the bridegroom are subsequently returned to the bridegroom in the form of dowry and gifts. It is only the expenses connected with the reception and "other insignificant additional expenditures" that the bridegroom pays without being reimbursed. Unlike the kalym, the dowry does not constitute an indispensable element in marriage. Although the relatives of the bridegroom receive the bride rather coolly if she brings to her new household less than was anticipated, and although quarrels and lawsuits ensue if she brings a dowry smaller than agreed upon, in some cases the parents do not give any dowry even if they receive a considerable kalym. Public opinion censures such actions, but the mere fact that such actions take place gives support to the opinions of Mr. Sieroszewski that dowries are a comparatively late institution among the Yakuts; on the

other hand, this explains the fact that up to the present time, according to Mr. Pripuzov it was the custom in the Yakutsk region not to make arrangements concerning the dowry and that the size of the dowry depended completely on the good will of the parents. [46]

The return of the whole or a part of the kalym to the clan or family of the bridegroom is the ordinary source of the dowry; this practice develops principally in the period of decline of the custom of purchasing one's wife, when the formerly dominant custom of purchasing the bride gradually loses its inherent sense and continues to maintain itself through tradition. But the Yakuts of the locality investigated by Mr. Pripuzov apparently have not yet elaborated definite rules, regulating the size of the dowry: all depends on the will of the father, which carries us to that period of development of the dowry, when the latter did not yet constitute a stable institution, and was given by the parents out of a desire to better the position of the daughter given in marriage in her husband's clan group by the return of a part of the kalym, to dispose the strange clan group favorably toward the young woman. Obviously, in this form the dowry has nothing in common with a distribution to the girl of a part of the property of her kin group. Her family does not deprive itself of the smallest part of its own property: the marriage is consummated at the expense of the bridegroom, and the family of the bride only denies itself, and that often only to a certain extent, the acquisition of the property which is a product of the sale of the daughter into a strange clan.

19: Kharuzin --46-47 E-4 (no date) 1898 Yakut
116, 421, 428, 562, 583, 614

Neither Mr. Pripuzov, nor, as far as we know, any other investigators of the customary law of the Yakuts, have given us a clear answer to the question as to the relationship in which the personally earned property of the girl stands to her dowry. Is this personal property.. [47]..combined with the dowry given by the parents, or does it form a separate type of female personal ownership among the Yakuts? We do not know. As concerns the dowry given by the parents at the time of the daughter's marriage, the absence of rights on the part of the woman in the agnatic group of her husband, as well as the very origin of the dowry in the returned part of the kalym, render completely natural the rule of Yakut customary law, whereby the woman is not the owner of her dowry. The latter, writes Mr. Pripuzov, "is completely at the disposal of the husband." The husband is the owner of his wife's dowry; he answers to no one for his squandering of it. A logical consequence of this order of things are the following rules, noted by Mr. Pripuzov, in the Yakutsk district: 1. In the case of the death of the wife the dowry is not returned, but passes to the husband and his children. 2. In the case of the death of the husband, if the couple had no children of the male sex, the wife can take her dowry and return to her parents. But she can only have the dowry back under the condtition that her husband made a disposition in that sense before his death: in its absence, the dowry, as a part of the familial-clan property, passes to the closest relatives of the deceased, and the wife has no right to claim it back from the heirs.

19: Kharuzin -- 47-48 E-4 (no date) 1898 Yakut -1-2
116, 178, 562, 587, 614

The right of the widow in the event of a childless marriage to return to her own family, the right of the husband to arrange before his death for the return of the dowry to his widow--all these rules, it appears, rose under the influence of the progressive softening of views on the personal and property incapacity of women. At an earlier time she was completely the property of her husband's group. Actually, we have no definite information concerning the existence of the levirate among the Yakuts at a former time; but the rules forbidding women to show themselves before the father-in-law and brothers-in-law, and vice versa, obviously bearing the character of so-called "sexual precaution" are traces of a one-time polyandry; finally, the absence among the Yakuts of any proper term for "widow," etc. (Sieroszewski, 569), compel us to assume that at a more remote time [48] the widow was considered the personal property of the family of the husband and probably passed to them as a piece of property. (1)

1. Contrary to the evidence of Mr. Gorokhov (Vsesoĭuznoe Geograficheskoe Obshchestvo, Vostochno-Sibirskiĭ Otdel, Izviestiia, 1883), Mr. Priklonsky mentions many instances of relations between the daughter-in-law and members of her husband's family: "This form of co-habitation is practiced often and quite freely, much more freely than, for instance, among the Russians who conceal sin more

19: Kharuzin -- 47-48 E-4 (no date) 1898 Yakut - 2
116, 178, 562, 587, 614

carefully (Tri goda v ⁀Akutskoi oblasti [Three Years in the Yakutsk Region]. Zhivaîa Starina, 1891, Pt. 3, p. 61).

19: Kharuzin -- 48-49 E-4 (no date) 1898 Yakut-1-2
116, 178, 428, 562, 589, 614

At the present time a widow can remain with her children after the death of her husband. The liberating tendency in favor of women in the development of customary law in the Yakutsk district is reflected in the fact that if a widow has young children of the male sex, she becomes the complete mistress of her husband's property; she freely disposes of it until the children reach their majority. More archaic views on woman's rights, however, are reflected in the fact that when the children reach their majority they have the right to proceed to the division of their grandfather's and father's property without seeking the consent of their mother. To her is assigned some indefinite part of the property, but always smaller than the share of each of the sons. The right of wives to one-fourth part of their husband's property, which is attested to in the Sbornik obychnago prava Sibiriskikh inordtsev [Compilation of the Customary Law of the Siberian Natives] p. 234. probably was the result of the influence of the Russians, and apparantly found very little reflection in life. The Yakuts of the Yakutsk district, at least, do not know this rule, if we are to judge by the information imparted to us by Mr. Pripuzov. The Yakut clan, permitting a certain economic independence to a widow with young children of the male sex, who are independent members of the clan unit, completely sets aside the widow, if her late husband left only children of the female sex. In such an eventuality, the situation, as we noted above, is held to be the same as if the man had died without issue: a certain part of the property is assigned to the widow with daughters,

all the rest goes to the relatives of the deceased. Incidentally, a more humane attitude toward women sometimes induces these relatives to permit the widow and her daughters to live on the farmstead of her deceased husband, depriving her, however, of the right to dispose of the farm. In the event of the death of the widow, [49] (or if she should marry a second time) the farm passes to the relatives of the deceased husband.

The facts adduced here testify that despite certain improvements in the attitude toward the personal and property rights of women, the position of the latter is still far from enviable: clan and household bases principally regulate the structure of Yakut life.

One cannot yet speak of the independence or equal rights of women among the Yakuts: even the rule making the parents the legatees of their children who died without issue, changes its aspect, if the deceased is survived only by a mother; while the father inherits all or the greater part of the property, the rights of the mother or widow to the property of children dead without issue are only equal to the rights of the other heirs.

19: Kharuzin -- 49 E-4 (no date) 1898 Yakut
116, 178, 426, 562, 594

The following rules, conceding certain rights to women, must be considered the result of the new views: 1. The wife has the right to complain against her husband if the latter, by his improvidence, is ruining the household; 2. The wife is conceded the right to contract debts; the wife is not responsible for the debts contracted by her husband for his own personal needs, and conversely the husband is not responsible for the personal debts of his wife. An exception is made when the couple offer surety for each other. These rules stand in such contradiciton to the personal and property incapacity of women that there can be no doubt of their later origin.

But when the wife, in the absence of her husband, has contracted "debts to cover the needs of the household or other matters pertaining to the home," the court comes to the defense of the wife and the creditor; the husband is held responsible for obligations entered upon with the object of benefiting his own household group.

19: Kharuzin -- 49-50 E-4 (no date) 1898 Yakut-1-2
116, 594, 597, 847

The authority of the father over the persons of his young children is a natural consequence of the patriarchal structure of the Yakut family. The father has the right to abandon a newly born child or to give it to another person. Formerly [50] writes Mr. Pripuzov, the parents, if poor, used to suspend newly born children in their swaddling clothes from trees. Even at the present time, one encounters cases of the sale of children by parents for money: parents give up for money children of the female sex to the person who wishes to adopt a little girl. The price of the latter fluctuates, according to the age, from 20 to 25 rubles. At the present time, such a sale of a daughter is certified with a written document. (1)

1. Mr. Pripuzov quotes an interesting copy of such a document: "February 15, 1891. I, the undersigned, native of the Western-kangalk ulus of the Odunitsk nasleg, Innokenti Vasilev Makhatyrev, give this letter to the native of the same ulus of the Zhersky nasleg, Yegor Bobposov, thereby giving you for permanent adoption my own daughter Anastasya, twelve years old; this with the concurrence of my legal wife, Darya Vasilyeva. You obligate yourself to give her (the daughter) your own name, to rule her as your own daughter, to give her in marriage and, in case of death to bury her according to Christian rites. I received for her, according to our

agreement 20 rubles and I sign my name to indicate that I have no other demands to make, Innokenty Vasilev. Because of Innokenti Vasilev's illiteracy and because of a personal request, this document is signed by Ivan Mikhalev. I, bailiff Grigory Dichkovsky, attest the authenticity of this document." This document clearly demonstrates the rights of parents over daughter and their solicitude as regards her life in her new family. Laying it to the charge of the adopters to marry her off or to cover the expenses of burial in case of death is fully in accord with the ancient law of the Yakuts to dispose of their daughters as they please.

19: Kharuzin --50-51 E-4 (no date) 1898 Yakut
116, 593, 597, 614, 672, 858

The position of sons in the parental home is considerably more independent than that of the daughters. Nevertheless, in personal relations the patriarchal parental authority finds a many-sided application. In addition to the right of giving sons out for adoption, a right which is limited with respect to the sons by the condition that the adoption take place within the confines of the clan, the parents can put their sons out to hire or to apprenticeship. Parents further have the right to use the earnings of their children; their labor goes to the profit of the family; they are obliged to support their parents, and in the event of non-fulfillment of this obligation, the parents can make complaint before the elders of the clan, who, in accordance with the earnings of the son, or his competence order him to support his father. But all these rules have significance only as long as [51] the son has not left the household or married. In general, if the parents feed, clothe their children, "seek their good," and the children feed and support their parents in their old age, bury them decently after death, hold a wake on the 40th day [RCH: on the 40th day the soul of the deceased departs from the earth] and finally place a stone monument over the grave, they are considered to have mutually fulfilled their obligations.

19: Kharuzin -- 51 E-4 (no date) 1898 Yakut
116, 178, 888

Mr. Pripuzov informs us concerning the former custom of the Yakuts of killing their aged parents, which was done, according to the contemporary explanation of the population, as an obligation of Yakut sons, with the object of sparing their parents the sufferings of old age. Naturally, this custom, as well as that of the abandonment of newly born children by their parents, at present exists only in the realm of traditions.

19: Kharuzin --51-52 E-4 (no date) 1898 Yakut-1-2
116, 562, 582, 584, 884

The Yakut is not in the full possession of his rights until he is married. The unmarried son cannot even ask for a share of the family goods without a particularly valid reason, even if he does not live with his father, for instance, when there is an older son in the family. Only after marriage does the grown-up Yakut step forth as an independent personality. In the question of marriage the authority of the father over the person of his son finds graphic expression. It is true that, in the words of Mr. Pripuzov, in the selection of a bride for the son, or of a bridegroom for the daughter, the consent of the mother carries more weight than that of the father. In this privilege of the women before the man, which, incidentally, is guaranteed by nothing more than moral principles, is contained the only advantage of the wife and mother. But the authority of the father expresses itself above all in the right to give in marriage his under-age son or daughter. The information communicated, for example, by Mr. Shchukin (Zh. M. V. D. [RCH: I have been unable to determine what these initials stand for] 1854, VII, p. 26), that the Yakut himself selects his bride and announces his choice to his parents, is confirmed neither by Mr. Pripuzov nor by other investigators. On the contrary, marriages, or at least betrothals, of under-age children, appear to be very widespread, even at the present time among the Yakuts. "As formerly, so now," writes Mr. Pripuzov, "the Yakuts marry off young children, for which purpose the parents come to an agreement, determining the bride price, and the children have a church marriage upon coming of age." [52] On the basis of other sources there is even reason to consider the betrothal of

young children almost general among the Yakuts: this is done with the object of easing the payment of the bride price, payment of which, in installments, is begun by the parents of the bridegroom immediately after the conclusion of the agreement. "With the payment of the first installments of the bride price, the child-bridegroom acquires, so to speak conjugal rights with respect to his bride, who herself is still but a child. He is often a guest at the home of his future wife, sleeps with her and, having grown up, becomes her factual husband." (Vsesoiuznoe Geograficheskoe Obshchestvo, Vostochno-Sibirskii Otdel, Izviestiia, XXVI, No. 4-5, p. 214).

19: Kharuzin -- 52 E-4 (no date) 1898 Yakut
116, 178, 836, 58

Discrepancies between the ages of the bridegroom and bride play no role in the selection of a bride; in general, the greatest significance is attached to the economic calculation, the labor capacity of the bride, the dowry expected from her parents, etc. In the selection of a bridegroom the parents of the bride are chiefly concerned with his economic position and industry. Hence it is understandable that in marriage among the Yakuts, in the words of Mr. Pripuzov, confirmed by other investigators, the mutual love of the couple, as well as the question of the virginity of the bride, do not play an important role, the more so since Yakut morality does not usually regard with disapproval the girl who has had children before marriage: they look upon her as a good future wife. Thus the choice of spouses for their children is left to the will and discretion of parents. Up to the present time the Yakuts of the district studied by Mr. Pripuzov observe the principle of marrying off their sons in turn: first the oldest son marries, then the next oldest, etc.; formerly this custom was also observed with relation to the daughters: the younger daughter was not given in marriage before the older one; nowadays this principle in the giving of daughters in marriage is no longer observed.

19: Kharuzin -- 52-53 E-4 (no date) 1898 Yakut-1-2
116, 177, 584, 585

The authority of the parental power is so strong, that despite the fact that marriages are entered upon against the will of the parties involved, cases of secret marriage without the agreement and knowledge of the parents, or the persons acting in their place if the parties involved are orphans, are not encountered among the Yakuts, according to the investigator (Pripuzov). But the influence of Christianity has made itself felt in the fact that if the principals in the marriage are opposed to the arrangement, they can so declare [53] at the wedding ceremony, which is sometimes held considerably later than the Yakut nuptials, (1) which are sometimes held before the couple have come of age;

1. Mr. Pripuzov supplies us with little information concerning wedding rites. The parents of the young couple play the leading role during the wedding. If the young couple are orphans, without mother or father, the place of the parents is taken by the chief. The young couple are supposed to treat him with the respect accorded parents during the wedding. According to Mr. Pripuzov, there are no special rites connected with match-making, with the visit of the bridegroom to the bride, and with the rukobitye (literally: hand-shake signifying the conclusion of agreement). In connection with the arrival of the bride to the house of the bridegroom the following is observed: the wedding procession has to come to the bridegroom's yourta early in the

morning, at sunrise. If the bride comes from a rich family, she rides on a light colored horse. A silver coin is attached to the halter of the horse. The bride gives this coin to one of the young men at the hitching post who seizes the horse's bridle and helps the bride to descend. The father-in-law comes out with an icon and, while the first match-maker holds the icon, he blesses the bride. Afterwards, the bride enters the yourta and there the ceremony of bringing offerings to the hearth is performed by the oldest member of the family. The bridegroom acquires the right to take his bride to his house only after he has paid the kalym, the price of which depends on previous agreement and the wealth of his parents.

if the bride price has been paid in full. In general, the payment of the bride price gives the bridegroom the right to the bride; therefore in the event of a refusal to wed on the part of the bridegroom, after the payment of the whole or a part of the bride price, the bridegroom or his parents do not have the right to demand the return of the expended money; on the other hand, if the refusal comes from the bride, her parents must make up all outlays on the part of the bridegroom.

19: Kharuzin --53-54 E-4 (no date) 1898 Yakut
116, 178, 562, 587, 593, 842

Despite the fact that with respect to marriage the sons still are in a position of dependence upon the parents, their situation is considerably freer than that of the girls. A widowed daughter, returning to the parental home, again falls under the authority of the father; she is as devoid of rights as her young unmarried sister. The more independent position of the son is explained chiefly by the fact that the family and the clan prize children of the male sex more highly than those of the female sex: the birth of a boy is greeted by the Yakut with greater joy than the birth of a girl. Yakuts who do not have sons are scorned by their neighbors: they call them khatirik-uoma, i. e. "fire from bark (?)." The small esteem in which girl children are held by the Yakuts is indicated by the rule, whereby [54] a widow who marries for a second time must leave her sons by the first marriage with the family of her husband; but the daughters, as an unnecessary element in the family group, she can take with her to her new family. This rule is obviously of comparatively recent origin: it could arise only after the widow became free in general to marry outside of the confines of her husband's group, and after the kalym had begun to lose its significance of a purchase price for the bride, and had begun to return to the family of the bridegroom in the form of a dowry. Gaining nothing by giving a daughter in marriage, the Yakut familial-household group naturally regards daughters as a completely superfluous element in the family, and sets no value on them.

19: Kharuzin --54 E-4 (no date) 1898 Yakut
116, 421, 428, 594, 614

The patriarchal principle in the Yakut family finds its expression in the right of the eldest son to dispose absolutely as he pleases with the family property. Under the prevailing custom for the grown-up, married sons to separate, as a result of which the eldest son exercises supremacy only over young children and bachelors, it is perfectly natural for the eldest son to have the right to alienate a part of the family property or to augment it by purchases, without the consent of the remaining members of the family. But although he is an independent agent over the family property with respect to the members of his own family, the eldest son nevertheless finds himself under the control of the clan. The eldest son must find the means for the punctual payment of taxes and the fulfillment of obligations; therefore if he is found to be squandering the family property the clan administration has the right to remove him from his position of responsibility. Moreover, the eldest son, having the right to rent out or mortgage the portion of the family land which has fallen to his share, connot exchange it for another without the knowledge of the clan elders.

Into the make-up of the family property go the earnings of a son who has not separated; but the latter can have his own personal property; an inheritance from a grandfather or grandmother, or presents, constitute his own personal porperty, of which the father cannot always dispose without the consent of the son: the father, for example, cannot take it, or alienate it, without the consent of the son.

19: Kharuzin -- 55-56 E-4 (no date) 1898 Yakut -1-3
116, 421, 591, 594

Upon coming of age, the Yakut, if married, seeks to separate from the paternal household and establish his own. The allotment made to the son depends on the will of the father, who has the right to make an allotment to a son even during the lifetime of the grandfather, if the father is simultaneously the manager of the household. Although the size of the son's share is fixed by the father, from the Yakut point of view the father cannot deprive his son of a share in the family property except in cases of insulting conduct on the part of the son toward the father or where the son arbitrarily leaves the family. In the latter instance, the eldest member of the family, whether the father or someone else, can let the wayward son depart without a share in the family property, permitting him to take only his personal property and the dowry of his wife.

In cases of insulting conduct on the part of the son toward the father, the son is deprived of any right to the family property, as a useless or even harmful member of the family community; in cases of arbitrary departure, his right to the property suffers only temporarily, for upon the death of the father he has the right to secure his own share.

Once having made an allotment to a son, the father no longer has the right to take back the alloted property. Inasmuch as the allotments are customarily made in the degree that the sons come of age and get married, it is quite natural that the division of the family property during the life of the father does not take place at one time. The member of the family who receives his share now sets up his own yurt and farmstead. Inasmuch

as the summer pastures and farm lands are not divided according to the number of souls, the Yakut can set up his yurt anywhere on the land. The cheapness of construction of Yakut dwelling and household structures has the consequence that these do not enter into the division, inasmuch as the construction of a new winter and summer yurt requires neither great labor nor expense. The separated son sets up his own household completely independent; he severs all property ties with his father and remaining brothers, and upon the death of his father he receives no share in the division of the family property.

Having made allotments to all his sons, the father has left for himself [56] a certain share of the general property, which he can divide before his death among the future lagatees, or he can - and in this we note the influence of the new conditions of life of the Yakuts - in theory deprive the direct heirs of their inheritance and transfer his own share to other persons or will his property for the saying of prayers for his soul or for works of charity. The limitations upon the rights of the testator will be indicated below.

Frequent allotments, constituting a routine phenomenon in the Yakut family, give property relations between parents and children a definite imprint: the authority of the father over the person of the son ends with his receipt of an allotment, and each Yakut seeks for an allotment as soon as he is married or has come of age. Thus, although in theory the legal views of the Yakuts assign considerable authority to the father, in practice the latter principally functions only in relation to his under-age or bachelor sons, which to a considerable extent undermines the patriarchal character of the Yakut family.

19: Kharuzin -- 55-56 E-4 (no date) 1898 Yakut-3
116, 421, 591, 594

The conditions of a semi-nomadic life undoubtedly ease the problems of family property division, and among the Yakuts one notes a phenomenon that is not without interest: the dominance of the so-called "small family" in a situation in which traces of clan existence are still very much alive.

19: Kharuzin -- 56-57 E-4 (no date) 1898 Yakut
116, 428, 594

At the time of the inheritance or division of property after the death of the father, regulating principle for the determination of the shares is blood kinship. All the sons, who have not yet received allotments, have equal rights to the family property. The nephew, the orphan living in the family, if his father had not received an allotment, has a right to a share of the paternal property, i. e., obtains as much as his uncles or first cousins. Women, as indicated above, are excluded from inheritance. After the death of the father the family usually dissolves, and the division takes place, which, according to Mr. Pripuzov, is not accompanied by any rites or symbolic actions: ordinarily for the carrying out of the division the closest relations are summoned, who divide the property among the heirs. There is no preliminary assessment of the value of the property. The kinsmen strive to make even the shares of the heirs, but "the paternal yurt and the [57] domestic household remain with the youngest son, if he has not received an allotment, otherwise it goes to him to whom the father has expressed the wish that it should be given."

Not all the property, however, is subject to division: a part of it remains in the general possession of the co-heirs (fishing-seines, fenced-off pastures etc.). In additon, before proceeding to the division, a special part of the general property is put aside to cover debts or tax delinquencies. It is natural that an adopted son, (1) taken into a house

1. The parents of the adopted child, having given it away to a strange family, sometimes want it back; in that case they are obliged to pay to the adoptive father all the costs of raising the child. Under the influence of the Russians, the Yakuts have begun to display a scornful attitude toward illegitmates. Formerly, when freedom of relations prevailed, illegitimate children were not differentiated from legitimate. At present there is even a special proverb among the Yakuts concerning the illegitimate children: "born was he by night, christened by the pool's side, the dew was his bedding, the mist was his covering." Children born out of wedlock to a sister who lives with her brothers, upon the death of the father are considered, in the words of Mr. Priklonski Tri Goda v Iakutskoi oblasti (Three Years in the Yakutsk Region, p. 80) "to have full rights and inherit in shares the property belonging to their mother."

where there are no sons, should be the heir to the movable and immovable property of

the adoptive father, since adoption is ordinarily resorted to with the object of having an heir. Mr. Pripuzov does not enlighten us as to the position of adopted sons in the presence of sons who are heirs, not as to that of illegitimate children, who are sometimes adopted.

19: Kharuzin -- 57-58 E-4 (no date) 1898 Yakut-1-2
116, 177, 428, 594, 614, 763

Obviously under the influence of the Russians, the practice of drawing up written testaments had developed among the Yakuts. But the rights of the testator to dispose of his property are circumscribed by the interests of his clan, which in certain instances may not recognize the testament as valid. At the present time the Yakuts make both written and oral testaments, which deal with the division of property among the heirs. In general, it seems, the Yakuts formerly loved and still love to make dispositions before their death. When a Yakut feels the approach of death, writes Mr. Shchukin, for example, he summons the heirs and enjoins them to continue their acquaintance with such and such a one, to beware of another, to take revenge on still another; in detail he exposes the reasons, and the heirs will not utter nor forget [58] a single word, and when their turn comes to die, they will pass the testament on to their heirs. On the basis of these oral dispositions made at the time of death, it was easy to take to the custom, borrowed from the Russians, of written testaments. The contemporary Yakut regards the written and oral testament with the same respect. The signature of a priest is considered quite sufficient for the first, whereas the presence of heirs and relatives is required for the second type of testament. The Yakuts do not have executors.

The rights of the testator to dispose of the property are extremely circumscribed: the testament itself is in the last analysis chiefly a precaution against quarrels over the division of the property.

19: Kharuzin -- 57-58 E-4 (no date) 1898 Yakut-2
116, 177, 428, 594, 614, 763

It is precisely this consideration that is held by Prince Kostrov Ocherk ĭuridícheskoe byta ÎAkutov (Juridical Customs of the Yakuts, p. 286), to be one of the chief reasons for the development among the Yakuts of the custom of making an oral testament. "Each Yakut knows well that if he should die without a detailed distribution of his property among the members of the family, it would give rise to endless and destructive quarrels among them, and therefore oral testaments among the Yakuts are very customary. Feeling the approach of death or simply finding himself very ill, before all the members of the family the Yakut makes a detailed assignment, what share and precisely what is to be given to the wife, to the sons, daughters, foster-children. When he speaks of the cattle he even cites their color."

19: Kharuzin -- 58-59 E-4 (no date) 1898 Yakut-1-2
116, 428, 594, 614, 775

The conviction that the soul of the deceased will remain 40 days in the dwelling, induces the heirs to carry out precisely the provisions of the testament, the more so since they proceed to the division of the property very soon after the death of the father, which to a certain extent works for the betterment of the widow's position. Thus the husband, if his children are under age, can at the time of death designate his wife as the "elder" of the family, can assign to her a part of his property, can express the wish that the wife's dowry should be returned to her. The dying man does not have the right to designate any persons as heirs except those who are heirs by virtue of their blood relationship with the testator. He cannot deprive his sons of their portions of the inheritance in favor of one [59] of them, even though he would dispose but of the acquired property, and not the patrimony; even in cases where the testator has no children, he cannot bequeath either the acquired or patrimonial property to his wife. In all these instances the testament is held invalid: the sons deprived of theirinheritance in favor of one of their brothers, the kinsmen, to whose injury the testator left his property tohis widow, will claim their rights, and the Clan Administration, or the Natives' Court, handling inheritance questions, will retrieve the property from the son or widow, in order to divide it up among the heirs. In a word, the written testament is held invalid, if the lawful heirs are deprived of their inheritance; it is put into effect only if the heirs and relations are satisfied with the will of the testator. Permitting in theory the right to dispose of his property on the part of the

testator, in practice the clan limits it extremely in the interests of the clan group, guarding the rights of the lawful heirs, whose economic welfare cannot be alien to the whole clan unit. In this right to deny the validity of the testament if, in the opinion of the clan, it does not satisfy in equal degree the lawful heirs, one can see a vivid example of the living force of clan existence, which despite changing conditions, permeates the structure of the life of the Yakuts.

19: Kharuzin -- 59 E-4 (no date) 1898 Yakut
116, 429, 614, 736

The clan guards over the interests of orphans: guardians, according to Mr. Pripuzov, can only be the closest relatives of the ward. But if a person, becoming a guardian by virtue of the closeness of kinship ties, for some reason does not inspire confidence, he must present one or two guarantors that the protected property will remain whole. The offspring of the cattle constituting the property of the ward goes to the guardian, and must not be returned to the ward upon his coming of age.

19: Kharuzin -- 59 -61 E-4 (no date) 1898 Yakut-1-2
116, 241, 423

The wealth of land, the vast extent of land holdings, and the semi-nomadic [60] character of the life of the Yakuts explains the wide application among them of the rights to occupy and freely utilize land. There is still much land "belonging to no one;" occupation of such land is permitted, and the setting up of stakes is considered sufficient proof that a given portion of land or fishing site has been occupied by some person. But the bringing of the occupied land into a cultivation state with his own labor and means makes the occupant its master. (1) The same right is acquired by the person who builds

1. Cf. Prince Kostrov. Ocherk i͡uridicheskoe byta I͡Autov [Juridical Customs of the Yakut]. Vsesoi͡uznoe Geograficheskoe Obshchestvo, Vostochno-Sibirskii Otdel, Zapiski, Otdi͡elenie Etnografii, VIII, pp. 285 ff.; also Vrut͡sevich, XVII, No. 2, pp. 14-15.

a home on an occupied piece of land. Therefore he who sows on someone else's land must pay the owner an amount equal to the rent on the sown portion of land; likewise, if anyone should construct a house on land occupied by someone else, he is obliged either to tear it down or pay rent. However the owner does not have the right to forbid anyone to use the roads running through his field: the latter is shut off, and the passerby has the obligation of shutting the gates of the enclosure after going through. Vacant sites are occupied by the Yakuts principally for agriculture or for making hay, or finally for

fishing purposes. The right of ownership of these sections, based on occupation and labor is guaranteed by the community. But this right does not extend to the water and the wooded sections: they remain for the use of all the members of the community, and the owner does not have the right to forbid anyone to take water from the lakes and rivers on his section of land, to gather berries, cut down trees or hunt for wild animals and birds.

The owner of a section of land can turn to his profit any increment arising from the deposit of sand or silt on the bank of the river occupied by him, but only up to the middle of the river; therefore the islands, for example, lying between the occupied bank and the middle of the river, eo-ipso form part of the occupied section.

The ploughed land, cleared and cultivated through the efforts of the family occupying the section, as well as the land that goes with the farmstead, customarily is not divided. This is explained by [61] the general investment of labor (of the whole family) in its development, as well as the fact that agriculture up to our time has not played a principal role in the economic life of the Yakut community, which, under the conditions of the dominance of the cattle raising economy, willingly permits its individual members to occupy vacant lands and own them without any obstacles.

19: Kharuzin -- 61 E-4 (no date) 1898 Yakut -1-2
116, 423, 556, 651, 686

But with regard to meadows, whose significance for the Yakut community, thanks to the cattle raising economy, is extremely great, the Yakuts, under the influence of the system for levying taxes, have elaborated other, more accurate modes of utilization than those based on occupation. With regard to the sharing of meadow sites among the Yakuts of the district studied by Mr. Pripuzov, a system of divisions has been established which are made on the basis of social contracts for 10 years and more. Fixed terms for the divisions apparently do not exist. The meadows are customarily divided into three categories, with corresponding taxes [RCH: presumably taxes paid to the Russian government] and obligations imposed on the separate families. The most powerful households have meadow lands of the first category--40 cart loads; the second category, assigned to the well-to-do, gives 20 cart loads; and finally the third category, for the poor, gives 10 cart loads. Only those who have meadow lands of the 1st category can be elected elders. The community vigilantly guards after the punctual payment and fulfillment of his obligations by each Yakut; for the performance of the latter, it is permitted to hire another person. In the case of defaulting payers of taxes the community takes away their section of meadow land or part of it and rents it out to cover the arrears. (1)

1. Mr. Pripuzov makes mention of rather interesting information concerning local measurements among the Yakuts. Although the Yakuts are generally acquainted with Russian measurements, they make simultaneously use of

their own. Thus, the circumference of a haystack is given in terms of sagenes-bylas; the hides of larger animals are measured in soles-ullugakh; small objects (bridles, axes, etc.) are measured by the spread of the hand-tu-tum; or by the distance between the thumb and middle finger-kharys. The thickness of fat on meat is measured in fingers-ili. The length of a road is defined by a unit which is equal to about 10 versts- kyos (a word which, according to Mr. Pripuzov, is equivalent to: "to travel or to move from one place to another with cattle and household utensils"), or by a day's march- kundyuk. Finally, the time of the day is designated in accordance with the nomad cattle-breeder's way of life, as the time of milking the cows and mares; a smaller unit of time is that required to cook a meal- uyos-bystyna.

[RCH: This footnote has been reproduced in the files under separate categories; see category 804, p. 61 this source]

19: Kharuzin --62 E-4 (no date) 1898 Yakut
116, 178, 421, 614, 621

One must keep in mind that at present the community of neighbors has taken the place of the agrarian community of kinsmen, and that certain rights, formerly belonging to the kinsmen, have passed to the former. Besides occupation, labor, increment, the Yakuts also recognize finding, barter, purchase and gifts as sources of rights to property.

19: Kharuzin -- 62 [2] E-4 (no date) 1898 Yakut
116, 425

The fact of finding gives the right of possession to the finder of the thing found only under the condition that it is res nullius. In the contrary case, he is obliged to return it to the owner. The finder has a right to a reward corresponding to the value of the thing found and to the efforts and expenses involved in the rescue of the object. Concerning the finding of stray cattle it is necessary to inform the persons living in the vicinity; if the owner is not found among them the one should inform his elder. For the concealment of a find the guilty person is sentenced 1) to pay the value of the object; 2) to compensate the owner for the expenses involved in searching for it.

19: Kharuzin -- 62 [3] E-4 (no date) 1898 Yakut
116, 423, 437

Barter is widespread among the Yakuts. The objects of barter can be sections of land; in such cases the barter takes place with the knowledge of the elders and the society. A note is made of the exchange of lands which has taken place in a special book, in which are written down all the Yakut "meadow lands, with an indication of the designation of each survey mark, the boundaries of the given section, and the quantity of hay obtained from it," together with the category to which it pertains.

19: Kharuzin -- 62-63 E-4 (no date) 1898 Yakut
116, 437, 627

The act of purchase-sale is consummate orally among the Yakuts, in the presence of witnesses (one or two). Sometimes the purchase-sale is mingled with barter; the seller comes to an agreement with the purchaser that in return for the object acquired by the latter he will pay with certain stipulated objects. We find among the Yakuts the widespread rule that in the purchase of horses a halter goes to the purchaser, while in the purchase of a cow a rope goes with the animal. [63] This rule, according to Prince Kostrov, is not observed if the animals are sold for slaughter... One also encounters the custom of giving a deposit. In this connection, if the purchaser should note after paying the deposit that the purchased object is not suitable, he has the right to reject it and demand the return of his deposit. In cases where the sold object turns out to be someone else's property, the purchaser must point out the seller, otherwise the object is taken away from him and returned to the owner. Disputes arising from purchase-sale are settled by the elders; in this connection, in cases of dispute over the quality or quantity of the sold object, the elders turn for a decision to intermediaries.

19: Kharuzin -- 63 E-4 (no date) 1898 Yakut
116, 431, 585

The making of gifts is practiced chiefly in connection with weddings. The presents given to the young couple become part of their personal property, and continues to be theirs after the separation of the bridegroom from the parental family. These presents are usually made one year after the wedding, at the time of the visit paid to the relatives of the bride, who received presents at the time of the wedding. The couple take with them vodka and various articles of hospitality. Convention dictates that the present made to the couple should exceed the one obtained at the wedding. The reciprocal giving of presents has at present become so much a part of custom that, according to Mr. Pripuzov, if someone should obtain a present, and does not give a present in return, the present should be returned.

19: Kharuzin -- 63-64 E-4 (no date) 1898 Yakut
116, 426, 686

Debt obligations are protected by the security or deposit of cattle. The lender obtains in the manner of a reward either a present of two percent of the sum of the debt. A debt incurred under the influence of deceit or in an intoxicated condition is not considered valid. Even if the eldest in the family incurred it, the family can demand the nullification of the obligation. Card debts are also considered invalid, no matter whether the loser was drunk or sober at the time of playing. A defaulting debtor is condemned by the elders not only to pay the debt, but also to pay the interest on the debt which has accumulated between the term of payment and the time of judicial proceedings, as well as the expenses borne by the creditor in entering the action. In trifling cases the elders are content [64] to satisfy the debt by taking from the defaulting debtor his excess clothing.